

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated December 22, 2008, (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of Claim 17, the claim has been canceled without prejudice rendering any rejections thereof moot. Applicant accordingly requests that any rejections of Claim 17 be withdrawn.

Applicant respectfully traverses each of the § 103(a) rejections because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. As explained previously, Imaeda does not teach or suggest a device retrieving an address and establishing a connection in response to connection to an interchangeable memory, as claimed in each of the independent claims. Specifically, Imaeda teaches that the memory card 202 (asserted as corresponding to the claimed interchangeable memory) is provided with a wireless communication function - not the device to which the memory card 202 is attached (paragraph [0026]). This appears to be acknowledged by the Office Action since it is only asserted that “memory card 202 communicates and makes a connection with the data server 203”. Since the device connected to Imaeda’s memory card (a camera) does not have cellular communication functionality, Imaeda fails to teach or suggest that a mobile terminal device sets up a connection to a network server when it is detected that the mobile terminal device is connected to an interchangeable memory. The cited teachings of Silvester have not been shown to overcome these deficiencies in the teachings of Imaeda; therefore, neither of the asserted references teaches at least setting up a connection between a mobile terminal device and a server via a cellular network, as claimed. Without correspondence to each of the claimed limitations, the prior art rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

However, in an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant’s claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant’s claimed subject

matter, Applicant has amended independent Claims 1, 12, and 26 to characterize that the device retrieves the address in response to detecting a connection between an interchangeable memory and the device. Support for these changes may be found in the Specification, for example, at paragraphs [0043] and [0103] (citations based on the published application); therefore, the changes do not introduce new matter. Each of the pending claims, with or without the changes, is believed to be patentable over the asserted references for the reasons set forth above.

Dependent Claims 2-8, 13, 14, 16, 20-23, 25, 27-29, 31, 32, 35, and 36 depend from independent Claims 1, 12, 19, and 26, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Imaeda and Silvester. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-8, 13, 14, 16, 20-23, 25, 27-29, 31, 32, 35, and 36 are also patentable over the combination of Imaeda and Silvester.

With respect to the § 103(a) rejection of Claims 9-11, 15, 24, 30, 33, and 34, Applicant maintains the traversal of the asserted modification of Imaeda. Specifically, Applicant maintains that a skilled artisan would not modify Imaeda’s digital camera to operate a cellular game application when the camera has not been shown to have a user interface for such operation. None of the asserted references has been shown to suggest that a digital camera would be used to operate a cellular game application. The unsupported and illogical modification of Imaeda does not overcome the above-discussed deficiencies and does not provide any evidence that such asserted facts would be combined with the

teachings of Imaeda. Thus, the asserted teachings do not alone, or as modified, correspond to the claimed limitations, and the rejection should be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (IHN.020.WUS) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC  
8009 34<sup>th</sup> Avenue South, Suite 125  
Minneapolis, MN 55425  
952.854.2700

Date: April 30, 2009

By: /Erin M. Nichols/

Erin M. Nichols  
Reg. No. 57,125